

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FONDIA MOORE,

Plaintiff,

v.

DOUG WADDINGTON *et al.*,

Defendants.

Case No. C06-5209 FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT
WITH PREJUDICE

The Magistrate Judge recommends that this 42 U.S.C. § 1983 civil rights action be dismissed with prejudice for failure to state a claim. As detailed by The Magistrate Judge, the Plaintiff alleges he is pursuing a tort claim and seeks documentation of accident reports. An inmate possesses no constitutional right to have his alleged accident documented by prison personnel.


The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

(2) This action is **DISMISSED** prior to service for failure to state a claim. This dismissal counts as a strike pursuant to 28 U.S.C. 1915 (g).

1 (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for any
2 defendants who have appeared, and to the Hon. J. Kelley Arnold.

3
4 DATED this 9th day of June, 2006

5
6 
7 _____
8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28